

REMARKS/ARGUMENTS

Favorable reconsideration of this application in view of the following remarks is respectfully requested.

Claims 1-8 are currently active in this case.

In the outstanding office action, Claims 1 and 2 were rejected under 35 USC 103(a) as being unpatentable in view of JP No. 2003-142608 over Inoue et al. Further, the title of the invention was objected to for not being descriptive.

Claims 3-8 were objected to as being dependent upon a rejected based claim, but were indicated as being allowable if rewritten in independent form. Applicant acknowledges with appreciation the indication of allowable subject matter; however, because applicant believes that he is entitled to the scope of protection defined by independent Claim 1, dependent Claims 3-8 have been maintained in dependent form.

In response to the objection to the title, the title has been amended as recommended in the Office Action. Consequently, no further objection on this basis is anticipated.

The Office Action concedes on page 3 that the Inoue et al. patent does not disclose the second silicide film having a larger thickness than the first silicide film feature of the present invention. Applicant agrees. However, the Official Action asserts that Japanese patent publication number 2003-142608 teaches such a feature and that it would have been obvious to a person of ordinary skill in the art to form the logic silicide layer thicker than the memory silicide layer in view of that teaching. Applicant traverses the rejection on the ground that the Japanese publication is not prior art to the current application under 35 USC 102. That is, the Japanese patent publication was published on May 16, 2003 after the February 21, 2003 filing date of Applicant's Japanese priority application number 2003-044155. Pursuant to 35 CFR 1.55(a)(4), applicant has submitted herewith an English language translation of its Japanese priority application in order to overcome the date of the applied reference.

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Consequently, no further issues are believed to be outstanding and the application is believed to be in condition for allowance. An early and favorable action is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 06/04)

W. Todd Baker
Registration No. 45,265

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